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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 11-00355 DLJ
v.)	STIPULATION AND <input type="checkbox"/> PROTECTIVE
MIGUEL MIRANDA, et al.,)	ORDER REGARDING DISCOVERY MATERIALS
)	
Defendants.)	
)	
)	

With the agreement of the parties and defendant's consent, the Court enters the following Order.

The defendants are charged with violations of: Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A)(viii), Conspiracy to Distribute Methamphetamine; Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii), Possession with Intent to Distribute and Distribution of 50 Grams or More of Methamphetamine; Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii), Possession with Intent to Distribute and Distribution of 5 Grams or More Methamphetamine; Title 18, United States Code, Section 922(g)(1), Felon in Possession of a Firearm and Ammunition; Title 18, United States Code, Section 922(k), Possession of a Firearm with Serial

1 Number Removed. Per the defendants' requests, the United States will produce documents and audio
2 and video recordings pertaining to the defendants and the charged drug and gun transactions
3 (hereinafter, the "DISCOVERY MATERIALS") to defense counsel, in lieu of making those
4 DISCOVERY MATERIALS available for review only. Any such materials are deemed produced
5 pursuant to the following restrictions:

6 1. Except when actively being examined for the purpose of the preparation of the
7 defense of defendant, the DISCOVERY MATERIALS shall be maintained in a locked, safe, and secure
8 drawer, cabinet, or safe or secure electronic device (e.g., computer, memory stick), which is accessible
9 only to defense counsel, members of his or her law firm who are working with him or her to prepare
10 defendant's defense, and his or her investigator(s). Defense counsel, members of his or her law firm,
11 defendant, and the investigator(s) shall not permit any person access of any kind to the DISCOVERY
12 MATERIALS except as set forth below.

13 2. The following individuals may examine the DISCOVERY MATERIALS for the
14 sole purpose of preparing the defense of defendant and for no other purpose:

- 15 a) counsel for defendant;
- 16 b) members of defense counsel's law office who are assisting with the
17 preparation of defendant's defense;
- 18 c) defendant, but only in the presence of defense counsel or another
19 authorized person listed in this paragraph (defendant may not take or
20 maintain the DISCOVERY MATERIALS or copies thereof); and
- 21 d) investigators and/or experts retained by defendant to assist in the defense
22 of this matter.

23 If defense counsel determines that additional persons are needed to review the
24 DISCOVERY MATERIALS, he or she must obtain a further order of the Court before allowing any
25 other individual to review the materials.

26 3. A copy of this Order shall be maintained with the DISCOVERY MATERIALS at
27 all times.

1 4. All individuals other than defense counsel and defendant who receive access to
2 the DISCOVERY MATERIALS, prior to receiving access to the materials, shall sign a copy of this
3 Order acknowledging that:

- 4 a) they have reviewed the Order;
5 b) they understand its contents;
6 c) they agree that they will only access the DISCOVERY MATERIALS for
7 the purposes of preparing a defense for defendant; and
8 d) they understand that failure to abide by this Order may result in sanctions
9 by this Court.

10 Counsel for defendant shall either: (1) send signed copies of the Order to counsel
11 for the United States; or (2) file signed copies of the Order, ex parte and under seal. The United States
12 shall have no access to the signed copies filed under seal without further order of the Court.

13 5. No other person shall be allowed to examine the DISCOVERY MATERIALS
14 without further order of the Court. Examination of the DISCOVERY MATERIALS shall be done in a
15 secure environment which will not expose the materials to other individuals not listed above.

16 6. The DISCOVERY MATERIALS may be duplicated to the extent necessary to
17 prepare the defense of this matter. Any duplicates will be treated as originals in accordance with this
18 Order.

19 7. If the DISCOVERY MATERIALS are attached to any pleadings or other court
20 submissions, the DISCOVERY MATERIALS and any pleadings or submissions referencing those
21 materials shall be filed or lodged under seal.

22 8. The defense team shall return the DISCOVERY MATERIALS (and any duplicate
23 copies of the same) to the United States fourteen calendar days after any one of the following events,
24 whichever is latest in time, occurs: dismissal of all charges against defendant; defendant's acquittal by
25 court or jury; or the conclusion of any direct appeal.

26 9. After the conclusion of proceedings in the district court or any direct appeal in the
27 above-captioned case, the United States will maintain a copy of the DISCOVERY MATERIALS. The
28 United States will maintain the DISCOVERY MATERIALS until the time period for filing a motion

pursuant to 28 U.S.C. § 2255 has expired. After the statutory time period for filing such a motion has expired, the United States may destroy the DISCOVERY MATERIALS. In the event defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide that counsel with a copy of the DISCOVERY MATERIALS under the same restrictions as trial and direct appeal defense counsel. Defendant's attorney in any action under 28 U.S.C. § 2255 shall return the same materials fourteen calendar days after the district court's ruling on the motion or fourteen calendar days after the conclusion of any direct appeal of the district court's denial of the motion, whichever is later.

MELINDA HAAG
United States Attorney

Dated: March 14, 2014

/s/
CYNTHIA FREY
STEPHEN MEYER
AMIE D. ROONEY
Assistant United States Attorneys

Dated: March 14, 2014

/s/
ROBERT CAREY
Counsel for defendant DANIEL CORTEZ

Dated: March 14, 2014

/s/
MICHAEL HINKLEY
Counsel for defendant JESSE AGUILAR

Dated: March 14, 2014

/s/
W. MICHAEL WHELAN, JR.
Counsel for defendant FRANCISCO FONSECA

Dated: March 14, 2014

/s/
JACK GORDON
Counsel for defendant JESSE PARRA

Dated: March 14, 2014

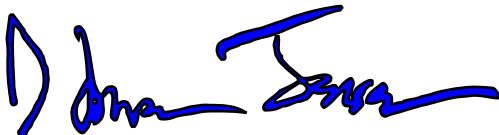
/s/
MICHELLE SPENCER
Counsel for defendant FERNANDO CRUZ

1 Dated: March 14, 2014

/s/
JAMES M. THOMPSON
Counsel for defendant JOSE DAVID SANCHEZ

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6 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted as set
7 forth above.

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10 DATED: Crtki4, 2014


HONORABLE D. LOWELL JENSEN
United States District Judge